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10/039,175	12/31/2001	Michael Leon Feilmeier	80252-0183	7161

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EXAMINER
PAPPAS, PETER

ART UNIT	PAPER NUMBER
2671	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,17,18,20-25,27-30 and 34-43* is/are pending in the application.

　　4a) Of the above claim(s) ＿＿＿ is/are withdrawn from consideration.

5)☐ Claim(s) ＿＿＿ is/are allowed.

6)☒ Claim(s) *1-15,17,18,20-25,27-30 and 34-43* is/are rejected.

7)☐ Claim(s) ＿＿＿ is/are objected to.

8)☐ Claim(s) ＿＿＿ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. ＿＿＿.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date *6*.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. ＿＿＿ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: ＿＿＿.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-2, 5-6, 25, 27 and 34-35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Handbook for the Palm VII Organizer, referred to herein as Palm

(http://www.palmone.com/us/support/handbooks/palmvii.pdf).

3.   In regards to claim 1 Palm teaches a Palm VII connected organizer (referred to

herein as organizer) with a touch-sensitive display, responsive to user input via a stylus,

and memory for the storage of data (pages 1; 5-7; 48). Calibration aligns the internal

circuitry of said organizer with said touch-sensitive screen so that when an element on

the screen is tapped, said organizer can detect exactly which task to perform (page 18).

Palm fails to explicitly teach a portable computing device (Palm VII) comprising a

processor. It is extremely well known for a portable computing device, such as that

taught by Palm, to have at least a single processor, for the processing of instructions

issued by said portable computing device (official notice; see MPEP § 2144). Thus, it

would have been obvious to one skilled in the art, at the time of the applicant's

invention, to incorporate a processor into said portable computing device, as taught by

Palm, because it is conventional for a computing device to issue instructions and as

such said portable computing device would require a means (processor) by which to process said instructions.

Palm fails to explicitly teach a memory that stores a location indicated by a user of the display, wherein said location being where a input device is removed from a display and not where said input device initially contacts said display. It would have been obvious to one skilled in the art, at the time of the applicant's invention, to store a location in memory where an input device is removed from a display and not where the input device initially contacts the display, because by tracking only the instantaneous location of said contact point, where said input device is currently in contact with said display over time, the need to allocate additional free memory for the storage of data relating to the location history of said contact point is not needed, thus minimizing the total amount of memory required by said portable computing device. The result of such being that the only data stored in memory, after said input device is removed from said display, is the last location of said contact point when said input device is removed from said display.

4.   In regards to claim 2 Palm teaches the input device is a stylus (pages 7; 31).

5.   In regards to claim 5 Palm teaches a IR port and a serial port (pages 5-8; 187). It is noted that said IR and serial ports are considered data communication ports.

6.   In regards to claim 6 Palm teaches wired and wireless data ports. It is noted said IR port is considered a wireless data port and said serial port is considered a wired data port. (pages 1; 5-6; 8; 14-15; 121).

7.   In regards to claim 25 the rationale disclosed in the rejection of claim 1 is
incorporated here. Said organizer performs the claimed method.

8.   In regards to claim 27 Palm teaches when said organizer is in the cradle and the
cradle is connected to a computer HotSync technology can be used to do a two-way
exchange of the data on said organizer and said computer, resulting in the complete
synchronization of information on said organize with information on said computer.
(page 8; 12). Changes made to your organizer are transferred to your Palm Desktop
software and vise versa. The first HotSync operation takes a little time, but after that
HotSync operations happen quickly because only changes are synchronized (page 67).

9.   In regards to claim 34 the rationale disclosed in the rejection of claim 1 is
incorporated herein. Said organizer performs the claimed method.

10.   In regards to claim 35 the rationale disclosed in the rejection of claim 27 is
incorporated herein.

11.   Claim 7-10, 12, 28 and 36 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Palm (http://www.palmone.com/us/support/handbooks/palmvii.pdf),
as applied to claims 1-2, 5-6, 25, 27 and 34-35, in view of the Remote Engineering
Homepage (http://web.archive.org/web/19991013091843/http://pocketcad.com),
referred to herein as the REH.

12.   In regards to claim 7 Palm teaches that additional applications can be installed
on your organizer, such as games and other software, including more query
applications (page 48). Palm fails to explicitly teach a computer aided design (CAD)

program in the memory. The REH teaches PocketCAD is full-featured highly mobile

CAD software for Windows CE 2.0 (page 1-2; 8).

It would have been obvious to one skilled in the art, at the time of the applicant's

invention, to design a version PocketCAD so to allow for it to also run on said organizer,

running the Palm OS as taught by Palm, because by adding such cross-platform

support to said software its features could be utilized on more devices, thus improving

interoperability in real world applications wherein a plurality of portable computing

devices are utilized.

13.   In regards to claim 8 Palm discloses that when said organizer is in the cradle,

and the cradle is connected to a computer, HotSync technology can be used to do a

two-way exchange of the data on said organizer and said computer, resulting in the

complete synchronization of information on said organize with information on said

computer. (page 8; 12). Palm fails to explicitly teach a desktop CAD program on a

personal computer. The REH teaches that included with PocketCAD is Remote

Engineering's new PocketDWG Filter version 2.0 which allows users to drag and drop

files between their Windows CE devices and their desktop. PocketDWG is based on

AutoDesk technology and handles the (file) conversion between the desktop and

PocketCAD (page 2). To be mobile you need to get your drawing files off your desktop

computer and on to your HPC. With PocketDWG all you do is drag files from your

Windows Explorer to your HPC Explorer and PocketDWG handles the rest. Use

PocketVIEW to add redlines and save. Then drag and drop the .CAD file from your

HPC to your desktop (page 6; Fig. 3).

It would. have been obvious to one skilled in the art, at the time of the applicant's invention, for a desktop system which AutoCAD, generic CAD drawing files (DWG) and/or drawing interchange (exchange) files (DXF), stored on said desktop computer, to have been created via CAD software installed on said desktop computer system, because it is conventional for electronic (CAD) drawing files to be created by desktop CAD software, which is typically installed on a desktop computer system.

14.   In regards to claim 9 the rationale disclosed in the rejection of claim 8 is incorporated herein.

15.   In regards to claim 10 the rationale disclosed in the rejection of claim 8 is incorporated herein.

16.   In regards to claim 12 the REH teaches that PocketCAD is a full-featured CAD package with Drawing Tools to create Lines, Arcs, Circles, Text, Blocks and Dimensions. Edit Tools consist of Delete, move, Copy, Rotate, Trim and Extend (page 2).

17.   In regards to claim 28 the rationale disclosed in the rejection of claim 9 is incorporated herein.

18.   In regards to claim 36 the rationale disclosed in the rejection of claim 9 is incorporated herein.

19.   Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (http://www.palmone.com/us/support/handbooks/palmvii.pdf) and the REH (http://web.archive.org/web/19991013091843/http://pocketcad.com), as applied to claims 7-10, 12, 28 and 36, in view of Carter (U.S. Patent No. 5, 907, 705).

20.   Palm and Remote Engineering Homepage fail to explicitly teach changes made

to the original file being stored in a script file. Carter teaches a database 22 and a

HTML formatted RTI file format 22b. An SCCS system 22a manages said database 22

and creates a SCCS file 22c. Said SCCS system 22a stores original RTI files, but does

not store changed RTI files per se. Instead, the system 22a stores changes to an

original .html file (script file) in the SCCS file 22c as a "delta", which consists of only the

changes themselves (column 8, lines 15-28; Fig. 5B). It is noted that the reference

teaches that it is well known in the art to store, in a form of memory, the changes made

to a file.

It would have been obvious to one skilled in the art, at the time of the applicant's

invention, to implement alternative means of data storage for file modifications, such as

modifications made to an original CAD filed stored in a plurality of places, but modified

only once, wherein said modifications are stored in a separate file from the original file,

because by storing said modifications independently of said original file the transfer of

changes made to one instance of said original file could be applied to all instances of

said original file by just transferring said stored modified data resulting in a reduction of

the size of data necessary to be transferred and a reduction of time required for the

transfer to complete.

21.   Claim 3-4, 39-43 rejected under 35 U.S.C. 103(a) as being unpatentable over

Palm (http://www.palmone.com/us/support/handbooks/palmvii.pdf), as applied to claims

1-2, 5-6, 25, 27 and 34-35, in view of Kung et al. (U.S. Patent No. 6, 570, 583 B1).

22.   In regards to claim 3 Palm fails to explicitly teach a rocker arm. Kung et al.

teaches a handheld device with both a bi-directional switch 88 (rocker arm) and a two-

dimensional rocking switch 89 (rocker arm) as input means (column 1, lines 63-65;

column 5, lines 40-52; Fig. 13).

The original claim was filed in Markush Group form thus effectively admitting that

a directional button, rotary switch and a rocker arm are all functionally equivalent.

Therefore, it would have been obvious to one skilled in the art, at the time of the

applicant's invention, to incorporate a rocker arm into said organizer as taught by Palm,

because, as per the prior Office Action, said organizer has a directional button and as

such replacing said directional button with a rocker arm would not functionally change

the way in which said organizer operates and in addition by incorporating said rocker

arm, as taught by Kung et al., additional means on input would be made available thus

improving the usability of said organizer.

23.   In regards to claim 4 Palm fails to explicitly teach said rocker arm is movable in

both a rotary direction and in a linear direction. Kung et al. teaches switch 88 can be

pushed forward to pulled back (column 5, 43-44). The two-dimensional rocking switch

98 can be rocked left and right or up and down to generate corresponding left, right, up

or down pointing signals. It is noted that generating pointing signals, in either clockwise

or counterclockwise order, via the use of said left, right, up or down pointing signals is

considered a rotary direction.

24.   In regards to claim 39 the rationale disclosed in the rejection of claim 3 is

incorporated herein.

25.   In regards to claim 40 the rationale disclosed in the rejection of claim 4 is

incorporated herein.

26.   In regards to claim 41 Palm fails to explicitly teach a rotary switch used in

conjunction with a rocker arm. Kung et al. teaches a control device 68 (rotary switch),

which can be rotated either forwards or backwards, and a trackball pointing device 69

(column 4, lines 40-54; Fig. 8). A two-dimensional rocking switch 89 (rocking arm) can

be used in place of said trackball point device 69 (column 5, lines 48-52). The rationale

disclosed in the rejection of claim 3 is incorporated herein.

27.   In regards to claim 42 the rationale disclosed in the rejection of claim 2 is

incorporated herein.

28.   In regards to claim 43 the rationale disclosed in the rejection of claim 1 is

incorporated herein.

29.   Claim 13-15, 17-18, 20-22, 29-30 and 37-38 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Palm

(http://www.palmone.com/us/support/handbooks/palmvii.pdf) and the REH

(http://web.archive.org/web/19991013091843/http://pocketcad.com), as applied to

claims 7-10, 12, 28 and 36, further view of Echerer et al. (U.S. Patent No. 5, 384, 862).

In regards to claim 13 the rationale disclosed in the rejection of claim 7, in

regards to at least one portable computing device that runs a portable CAD program, is

incorporated herein.

The rationale disclosed in the rejection of claim 8, in regards to a main computer

that runs a desktop CAD program and a communication link between said main

computer and the at least one portable computing device so to allow for the exchange of data therebetween, is incorporated herein.

30.   Palm fails to explicitly teach wherein the portable CAD program generates a script file comprising any additions or changes made with regard to a CAD file on the portable computing device, wherein the script file is separate from the CAD file. Echerer et al. teaches processing enhances the image (bitmap) displayed and extracts information from the image as a result of an interchange of instructions and responses between CPU and user. The enhancements and information are stored in a second memory location, separate from the bitmap. A report is prepared using the information and the image together with its enhancements and/or without them; the report is stored in a third memory location and also printed on the laser printer or possibly transmitted by modem to a remote user (column 6, lines 17-37). It is noted that the reference teaches that it is well known in the art to store changes made to a file in a form of memory.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to allow for the deconstruction of a modified CAD file into separate components and the reconstruction of said modified CAD files, from its deconstructed components, in a manner that best suits the relevant requirements at that given time, because due to both the memory and transfer rate constraints of organizers, at the time of the applicant's invention, such optimizations would further improve the usability of such an organizer by allowing for the size of the necessary data required to be transferred to be reduced.

31.   In regards to claim 14 the rationale disclosed in the rejection of claim 12 is

incorporated herein.

32.   In regards to claim 15 the rationale disclosed in the rejection of claim 9 is

incorporated herein.

33.   In regards to claim 17 the REH teaches with the PocketDWG Filter all you do is

drag your files from your Windows Explorer to your PC Explorer and Pocket SWG

handles the rest. Once the filter is installed all you have to do is drag your DWG/DXF

file from your Windows Explorer to your HPC Explorer. The result will be a .CAD file on

your HPC for use with PocketVIEW. Use PocketVIEW to add redline and save. Then

drag and drop the .CAD file from your HPC to your desktop. The result will be a DXF

file with the same name as your DWG file (page 6).

34.   In regards to claim 18 the rationale disclosed in the rejection of claim 13 is

incorporated herein.

35.   In regards to claim 20 the rationale disclosed in the rejection of claim 6 is

incorporated herein.

36.   In regards to claim 21 the rationale disclosed in the rejection of claim 1 is

incorporated herein.

37.   In regards to claim 22 the rationale disclosed in the rejection of claim 2 is

incorporated herein.

38.   In regards to claim 29 the rationale disclosed in the rejection of claim 13 is

incorporated herein.

39.   In regards to claim 30 the rationale disclosed in the rejection of claim 17 is

incorporated herein.

40.   In regards to claim 37 the rationale disclosed in the rejection of claim 13 is

incorporated herein.

41.   In regards to claim 38 the rationale disclosed in the rejection of claim 17 is

incorporated herein.

42.   Claim 23-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Palm

(http://www.palmone.com/us/support/handbooks/palmvii.pdf), the

(http://web.archive.org/web/19991013091843/http://pocketcad.com) and Echerer et al.

(U.S. Patent No. 5, 384, 862), as applied to claims 13-15, 17-18, 20-22, 29-30 and 37-

38, further view of Kung et al. (U.S. Patent No. 6, 570, 583 B1).

43.   In regards to claim 23 the rationale disclosed in the rejection of claim 3 is

incorporated herein.

In regards to claim 24 the rationale disclosed in the rejection of claim 4 is incorporated

herein.

Response to Amendment

44.   In regards to claims 18 and 25 the use of the language "[[the]] <u>an</u>" and "<u>and</u>

[[on]]" is unclear. It is noted said bracketed text is considered deleted.

45.   In response to applicant's arguments that the newly added limitations of claims 1,

3, 4, 23 and 24 are not addressed in the prior Office Action, see the above claim

rejections 1, 3, 4, 23 and 24, respectively.

46.   In response to the applicant's arguments that claim 13 now includes subject

matter similar to that originally recited in claim 11, while they are similar they are not the

same because claim 11 recites "..in a script file" while claim 13 recites "..wherein the

script file is separate from the CAD file." It is noted that the limitation of claim 13

discloses said script file is not the same as the original file, to which modification was

done, while the limitation of claim 11 does not make this distinction and allows for said

script file to embody a variety of forms, including a file which is the same as the original

file with the inclusion of modifications. Therefore, claim 13 does not have the same

scope as claim 11, thus claim 13 effectively recites new limitations and prior art other

then that applied to claim 11 is available for the rejection of claim 13.

47.   In response to the applicant's arguments that none of the prior art references

cited, such as Carter et al., suggest a CAD system in which CAD files (as opposed to

request to integrate changes in a software release stream) are edit on a portable

computing device and the addition or changes are stored in a separate script files,

Carter et al. is used to teach the conventionality of using a script file to accomplish the

storage of changes to a given file, wherein said script file contains at least the changes

made to said given file.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter-Anthony Pappas whose telephone number is 703-

305-8984. The examiner can normally be reached on M-F 9:30am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

                                                    Peter-Anthony Pappas

Examiner
Art Unit 2671

PAP

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